

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| EDUARDO ROSARIO,         | : | CIVIL NO. 20-2966          |
|                          | : |                            |
| Plaintiff                | : |                            |
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| v.                       | : |                            |
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| ALEX TORRES PRODUCTIONS, | : | Philadelphia, Pennsylvania |
| INC., et al.,            | : | November 10, 2021          |
| Defendant                | : | 2:07 p.m.                  |

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TRANSCRIPT OF SHOW CAUSE HEARING  
BEFORE THE HONORABLE EDUARDO C. ROBRENO  
UNITED STATES DISTRICT COURT JUDGE

- - -

APPEARANCES:

|                    |                               |
|--------------------|-------------------------------|
| For the Plaintiff: | KEITH ALTMAN, ESQUIRE         |
|                    | JOAN A. FEINSTEIN, ESQUIRE    |
|                    | Lento Law Group, P.C.         |
|                    | 1500 Market Street            |
|                    | 12 <sup>th</sup> Floor        |
|                    | East Tower                    |
|                    | Philadelphia, PA 19102        |
| For the Defendant: | JOHN J. GRIFFIN, ESQUIRE      |
|                    | Law Office of John J. Griffin |
|                    | P.O. Box 571                  |
|                    | Lafayette Hill, PA 19444      |

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2 Transcribed By: Michael T. Keating

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1 (The following was heard in open court at  
2 2:07 p.m.)

3 THE COURT: Good afternoon. Please be  
4 seated.

5 MR. ALTMAN: Thank you.

6 (Pause in proceedings.)

7 THE COURT: You may remove your mask when  
8 you're speaking to the Court. So today is a hearing  
9 on a rule to show cause on why plaintiff's counsel,  
10 Keith Altman and Joan Feinstein, both present in the  
11 court I take it, should not be sanctioned for their  
12 failure to accurately certify that there were no  
13 related cases in violation of Pennsylvania Rule of  
14 Professional Conduct 3.3A; and two, failure to  
15 provide authority in the complaint regarding  
16 promoter's ability, as ordered by the Court on  
17 January 13<sup>th</sup>, 2020.

18 Additionally, the Court had raised issues  
19 concerning the viability of the Lento Law Firm in  
20 Philadelphia given that the pro hac vice form, which  
21 was filed by the law firm, listed the address of that  
22 law firm as Farmington Hills, Michigan.

23 The Court's order to show cause also  
24 provided that a response to the rule was to be filed  
25 by October 25<sup>th</sup> of 2021. As of this morning, no

1 response has been filed. So that's where we are.  
2 So, Ms. Feinstein or Mr. Altman, would you like to  
3 address those issues?

4 MR. ALTMAN: I would, Your Honor, and I  
5 have a severe visual disability. Would it be okay if  
6 I argued seated?

7 THE COURT: Absolutely, you may do so.

8 MR. ALTMAN: Thank you, Your Honor. Your  
9 Honor, let me address the filing issue. We've had  
10 technical issues in terms of filing that document.  
11 On the 25<sup>th</sup>, I attempted to file the document through  
12 my ECF credentials. It did not allow me to do so. I  
13 sent a copy to chambers to establish the fact that  
14 the document was ready on time. It was sent to  
15 chambers. Immediately the next morning, my team  
16 reached out to your chambers and the ECF help desk,  
17 and over the last two weeks, have had numerous  
18 attempts to correct the issue and get the document  
19 filed.

20 THE COURT: So you're saying that you sent  
21 a hard copy to chambers?

22 MR. ALTMAN: I did not send --

23 THE COURT: Oh.

24 MR. ALTMAN: -- a hard copy to chambers,  
25 Your Honor. We -- I sent by email a copy to chambers

1 that day. I put my team on it the next day in an  
2 attempt to rectify the problem. They spoke to the  
3 ECF help desk. They made numerous calls, which can  
4 all be documented, to get this document filed. This  
5 was also the very time where I lost my left eye,  
6 crashed during this time, and so dealing with severe  
7 medical disabilities has affected that.

8 THE COURT: But let me ask you the  
9 technical aspect of it. You said that on October  
10 25<sup>th</sup>, you had difficulties filing through ECF so that  
11 you reached out to my chambers and got some guidance,  
12 and then sent us an email with a copy of the  
13 response?

14 MR. ALTMAN: Your Honor --

15 THE COURT: Did I understand that?

16 MR. ALTMAN: -- before I even spoke to your  
17 chambers to establish that --

18 THE COURT: Yes.

19 MR. ALTMAN: -- we had the document  
20 prepared on the 25<sup>th</sup>, as Your Honor ordered --

21 THE COURT: Yes.

22 MR. ALTMAN: -- I emailed a copy on the  
23 25<sup>th</sup> to your chambers before I even spoke to anyone,  
24 and to brother counsel, to establish that we had  
25 prepared a response, we had submitted a response.

1 And I figured I would deal with the technical issues  
2 the next morning.

3 The next morning, my team reached out to  
4 your chambers to tell them what had happened. They  
5 also tried to contact the ECF help desk to see if we  
6 could figure out why we couldn't get the document  
7 filed. They have made numerous, consistent attempts  
8 since October the 25<sup>th</sup> to no avail. For some reason,  
9 we cannot seem to file anything. I apologize if  
10 maybe one of the alternatives would have been to  
11 file -- to file a paper copy with the Court, but we  
12 had believed that by emailing it to the Court and to  
13 brother counsel and having advised chambers, that  
14 that was adequate.

15 THE COURT: And do you know or can you  
16 identify in the help desk who attempted to help you  
17 or not help you so that we can follow up on that?  
18 That seems to be a real serious problem.

19 MR. ALTMAN: Your Honor, I could not, but I  
20 would be happy to provide, if Your Honor would  
21 accept, a --

22 THE COURT: Okay.

23 MR. ALTMAN: When I get back I'll get with  
24 my team to give me, you know, documentation --

25 THE COURT: Now --

1 MR. ALTMAN: -- of their efforts that I can  
2 provide.

3 THE COURT: -- Mr. Vance, do we know  
4 anything about an email sent to our chambers on  
5 October 25<sup>th</sup>?

6 COURTROOM DEPUTY: I just went back and we  
7 checked our chambers account and our email account.  
8 We have no email from Mr. Altman.

9 THE COURT: Okay.

10 MR. ALTMAN: Your Honor, I know --

11 COURTROOM DEPUTY: Other than -- other than  
12 today's email.

13 THE COURT: Today's email --

14 COURTROOM DEPUTY: Today's email just --

15 THE COURT: -- from your office telling us  
16 about your accommodations. That came yesterday I  
17 think.

18 COURTROOM DEPUTY: It might have been  
19 yesterday.

20 THE COURT: Yes.

21 MR. ALTMAN: Your Honor, I will attest to  
22 that --

23 THE COURT: Yes.

24 MR. ALTMAN: -- I sent this email on that  
25 night. I can try to track through, but --

1           THE COURT: But it -- but since October  
2 25<sup>th</sup> -- that's been two weeks -- we still haven't  
3 received anything.

4           MR. ALTMAN: My team has made consistent  
5 efforts to do that, Your Honor. I will -- I will --  
6 if you would like me right now, I will call my team  
7 and ask them to email it right this moment --

8           THE COURT: No. No, I don't --

9           MR. ALTMAN: -- if you would like.

10          THE COURT: -- think we need to do it right  
11 now, but we certainly need to have some verification  
12 from whoever is in your team as to these efforts  
13 because in two weeks, you should have been able to  
14 resolve this issue.

15          MR. ALTMAN: I agree, Your Honor, and I  
16 know that my team did it and I've been asking them  
17 multiple times. If you would give us until -- could  
18 I have until Monday to get my team to --

19          THE COURT: That would be fine.

20          MR. ALTMAN: -- document their efforts for  
21 you?

22          THE COURT: Sure, that would be fine.

23          MR. ALTMAN: Okay. I will --

24          THE COURT: Now --

25          MR. ALTMAN: I will also have my team, as



1 soon as court concludes, just make sure that we email  
2 a copy of the document. And I apologize for not  
3 bringing one here. I did not realize you didn't have  
4 one. I apologize.

5 THE COURT: Do you have one for yourself  
6 here?

7 MR. ALTMAN: I do not. I couldn't -- Your  
8 Honor, I have lost the ability to read.

9 THE COURT: Okay. Okay. So let's go  
10 through the rule, failure to accurately certify that  
11 the -- well, first of all, Mr. Altman, tell me who  
12 you are and what is your relationship to this firm?

13 MR. ALTMAN: Okay. My name is Keith  
14 Altman. I am the principal of the Law Office of  
15 Keith Altman. At the time the case was filed, I was  
16 going to be entering into an of counsel relationship  
17 with the Lento Law Group on a fairly systematic  
18 basis. We were going to work together, and maybe  
19 more formally, I was going to join the firm.  
20 Ultimately, we decided not to pursue that. In any  
21 event, the intention was that I would be lead counsel  
22 on this matter after it had been filed. Ms.  
23 Feinstein would be the local counsel. Under the  
24 general direction of the Lento Law Group, I would  
25 come in, be pro hac-ed into the matter, and I

1 would -- I would act as lead counsel in the matter,  
2 which is what happened.

3           Addressing your concern over the addresses,  
4 I suppose that in the -- it was March of this year  
5 where we decided that we were not going to proceed  
6 that kind of relationship with one another, and we  
7 simply agreed that we would be joint counsel on this  
8 particular matter, still with me filling in as lead  
9 counsel on the matter in terms of working on the  
10 case. And I've worked with brother counsel. He and  
11 I have been in communication on this matter since.  
12 So I have been the one really responsible after my  
13 pro hac vice application was granted. I was really  
14 the one doing the work on the case.

15           THE COURT: Have you spoken to the  
16 plaintiff in this case?

17           MR. ALTMAN: Yes.

18           THE COURT: Okay. That was after the  
19 complaint was filed?

20           MR. ALTMAN: Correct.

21           THE COURT: Yes. Okay.

22           MR. ALTMAN: Correct, Your Honor. And I'm  
23 prepared to -- I'm prepared to address anything that  
24 Your Honor has raised. I know you don't have the  
25 advantage of having our -- you know, our document,

1 but I am prepared to address any of your questions at  
2 this time.

3 THE COURT: Now, Ms. Feinstein, tell me  
4 also about yourself and what's your connection to the  
5 Lento Law Firm --

6 MS. FEINSTEIN: Sure.

7 THE COURT: -- or to Altman's law firm?

8 MS. FEINSTEIN: Sure. Oh, I'm sorry, Your  
9 Honor. My name is Dr. Joan Feinstein. I'm a  
10 clinical psychologist and an attorney, and I am  
11 co-counsel on just a few cases with the Lento Law  
12 Firm.

13 THE COURT: Okay. You're admitted in  
14 Pennsylvania?

15 MS. FEINSTEIN: I am.

16 THE COURT: Okay. And when you -- where is  
17 your office?

18 MS. FEINSTEIN: My office right now is out  
19 of my home --

20 THE COURT: Okay.

21 MS. FEINSTEIN: -- since Covid.

22 THE COURT: But what is your relationship  
23 to the Lento Law Firm?

24 MS. FEINSTEIN: I know Joe Lento for  
25 several years and I'm co-counsel on a few cases with

1 him. I consult on some cases.

2 THE COURT: Mr. Lento, he's from New  
3 Jersey, is that right, or --

4 MS. FEINSTEIN: I believe he lives in  
5 Narberth, Pennsylvania.

6 THE COURT: Oh, in Pennsylvania. Okay.  
7 Now, does the Lento Law Firm, to your knowledge, have  
8 a physical presence in Pennsylvania?

9 MS. FEINSTEIN: They do.

10 THE COURT: Okay. Where are they located?

11 MS. FEINSTEIN: 1500 Walnut Street.

12 THE COURT: Okay.

13 MS. FEINSTEIN: And I believe it's suite  
14 500.

15 THE COURT: Okay. Now, when did you enter  
16 an appearance in this -- in this case? Let's see.

17 (Pause in proceedings.)

18 THE COURT: Let me see here.

19 MR. ALTMAN: Your Honor, may I?

20 THE COURT: Yes.

21 MR. ALTMAN: I believe the case was filed  
22 in late May or early June of 2020, and Ms. Fein --

23 THE COURT: Yes?

24 MR. ALTMAN: -- and Ms. Feinstein was  
25 the -- when the original complaint was filed, Ms.

1 Feinstein was the attorney --

2 THE COURT: Yes.

3 MR. ALTMAN: -- of record, listing me as  
4 pro hac vice to be applied for.

5 THE COURT: Now, at that time, there had  
6 been a case that had been dismissed by the Court, and  
7 we have a relatedness rule. And this case, which  
8 would have been filed within the time that required  
9 you to identify the case as related, that was not  
10 done.

11 MS. FEINSTEIN: You're talking about the  
12 (indiscernible) --

13 THE COURT: Yes, your -- this -- the  
14 particular case here, which was identical to a prior  
15 case that the Court had dismissed, was filed and it  
16 should have been marked related and assigned to me.  
17 Rather, it was not marked related, so it was assigned  
18 to Judge Goldberg. Judge Goldberg had referred the  
19 matter to the magistrate judge, Judge Strawbridge,  
20 and Judge Strawbridge, who discovered that these  
21 cases were related.

22 MR. ALTMAN: Your Honor, that's 100 percent  
23 true.

24 THE COURT: Okay.

25 MR. ALTMAN: The problem -- here is the

1 issue and the explanation. There was no intent to  
2 evade Your Honor. There was a change in personnel  
3 which, frankly, was responsible for the case being  
4 dismissed the first time, if you'll recall. There  
5 was a change in personnel. Some eight months after  
6 the case had been dismissed, had elapsed, the  
7 personnel who were involved in refiling this case  
8 were simply not involved in that other case. It's  
9 not that it was unknown to the firm itself the case  
10 was being filed, but the individuals who were  
11 involved in actually preparing and filing the instant  
12 case were just unaware that it had been filed before.  
13 There was absolutely no intent to evade this Court's  
14 jurisdiction. If that really was the attempt, there  
15 were many things that could have been done. They  
16 could have waited the 12 months and filed it and  
17 wouldn't have had to disclose it. They could have  
18 filed it somewhere else, in New Jersey because  
19 there's a New Jersey connection. But that isn't the  
20 case.

21 In fact, Your Honor, I just learned  
22 something I hadn't realized. When the case was  
23 refiled it was accidentally filed in the District of  
24 New Jersey. And instead of leaving it there, they  
25 dismissed the case, got a refund, and refiled the

1 case here. So there's simply -- this is a law office  
2 mistake. Both of the individuals who were involved  
3 believed in good faith that this -- that when they  
4 filled out those forms, that they were filling them  
5 out accurately. They were not accurate. That is, in  
6 fact, true. But there was no -- there was no attempt  
7 to evade Your Honor's jurisdiction.

8 THE COURT: Now, the first time, the lawyer  
9 who was here representing the plaintiff, candidly --  
10 and it's a matter of public record -- testified or  
11 stated to the Court that he had never met the  
12 plaintiff and that he hadn't done any research other  
13 than read the statute, so that when the case was  
14 dismissed, one of the provisions for the dismissal  
15 was that any subsequent complaint had to provide  
16 authority that would make it a plausible claim under  
17 Twombly. And we had specifically the question of  
18 whether there was any authority to hold a promoter  
19 liable for the failure of the site to provide  
20 accommodations consistent with the ADA. That wasn't  
21 done.

22 MR. ALTMAN: Your Honor, that's also  
23 correct. Through the same lapse of time, that order  
24 was just not made available to the people that are  
25 involved, but I can tell you that in our response to

1 Your Honor's order, we did provide -- you know, one  
2 of the bases is clearly there could be a contractual  
3 basis between the -- contractual basis between the  
4 promoter and the site, and we found that there is no  
5 authority that says that you -- as a matter of law,  
6 that a promoter is excluded from liability. So while  
7 absolutely Your Honor ordered that to be done,  
8 unfortunately, through that same lapse of time and  
9 change of personnel, that particular provision of an  
10 order was not made available. Had it been, of course  
11 it would have been complied with. But we do -- we  
12 did in good faith believe that a promoter could be  
13 held liable. We did -- in response to your order,  
14 which we will get to you, we did provide, you know,  
15 the contractual basis and some case authority on why  
16 they're not excluded as a matter of law.

17 I apologize for it not having been there in  
18 the complaint as it should have been. It would have  
19 been somewhat unusual to do that, but if Your Honor  
20 had ordered that to be done, clearly, we would have  
21 done that.

22 THE COURT: Well, that was ordered in light  
23 of the fact that the first complaint did not provide  
24 any support for that theory, and the lawyer had said  
25 specifically that he had not done any research except



1 to look at the statute when we asked for any case  
2 law, and he -- the counsel at that time also stated  
3 that he had never met the plaintiff.

4 MR. ALTMAN: Your Honor, I can't speak for  
5 what --

6 THE COURT: So, therefore, there was a  
7 remedial order in order to protect the plaintiff, and  
8 that order was not complied with.

9 MR. ALTMAN: Your Honor, I apologize, it  
10 was an eight-month delay between those two -- between  
11 those two events, and there was a change of  
12 personnel. It clearly should have been complied  
13 with.

14 THE COURT: Okay.

15 MR. ALTMAN: But we did -- but we do -- but  
16 still I believed at the time, in reviewing the  
17 complaint, there was a good faith basis for the  
18 promoter having been in -- you know, good faith  
19 doesn't mean I have to have a case law, but I believe  
20 that absent discovery, seeing the contractual  
21 relationship between the two individuals -- I mean,  
22 clearly, there could have been a contractual  
23 relationship and it might not even be unusual. But  
24 absolutely, it was not complied with. It should have  
25 been complied with. Had I been aware of it -- had

1 any of the people who ultimately were involved in the  
2 filing of the second complaint would have been --

3 THE COURT: Okay.

4 MR. ALTMAN: -- aware of it, it would have  
5 been addressed. I will say that the issue was raised  
6 by Mr. Torres in front of Judge Goldberg, and Judge  
7 Goldberg asked questions of me at that time, and  
8 Judge Goldberg was satisfied with my response -- was  
9 satisfied the response --

10 THE COURT: Of course he was unaware of the  
11 prior history of this case.

12 MR. ALTMAN: I understand. No, no, all I'm  
13 saying is -- no, no, I don't mean it from the -- I  
14 mean it from the merits perspective --

15 THE COURT: Yes.

16 MR. ALTMAN: -- that Judge Goldberg was  
17 satisfied that my explanation of why there could be  
18 liability was adequate on a merits basis.

19 THE COURT: Now, when you appeared before  
20 Judge Goldberg, did you bring to his attention the  
21 prior history of the case?

22 MR. ALTMAN: I did not, Your Honor.

23 THE COURT: Okay.

24 MR. ALTMAN: I did not, and he didn't -- he  
25 didn't ask about it, and I didn't --

1 THE COURT: Well, he wouldn't have known.

2 MR. ALTMAN: I understand. I appreciate  
3 that. I did not, Your Honor. Well, actually, it did  
4 come up, of course it did, because Mr. Torres raised  
5 it. So --

6 THE COURT: Was that before Judge  
7 Strawbridge or before Judge Goldberg?

8 MR. ALTMAN: Before Judge Goldberg.

9 THE COURT: Okay.

10 MR. ALTMAN: Mr. Torres raised it. He  
11 raised the very issue that you're raising now about  
12 there having to be something in there, and Judge  
13 Goldberg inquired of me, Mr. Altman, what's your  
14 basis for why he could be in this -- you know, he  
15 should be in this complaint? I don't think -- well,  
16 obviously, Judge Goldberg knew about your order at  
17 that time. And, frankly, that was the first time I  
18 had ever heard about your order.

19 THE COURT: Yes. Okay. Now, so far, what  
20 you have advanced, and apparently it's all written  
21 out in your response, is that each of the grounds for  
22 the rule to show cause is factually correct except  
23 that you have an explanation for that, and,  
24 generally, the explanation is administrative foul up,  
25 an administrative issue, not a substantive issue but

1 an administrative issue.

2 MR. ALTMAN: Yes. Now, from my  
3 perspective, Your Honor, I was never involved in the  
4 administrative aspects of this case.

5 THE COURT: Well, but you -- this is your  
6 law firm.

7 MR. ALTMAN: No, it's --

8 THE COURT: I don't understand that, what  
9 you mean by you weren't involved.

10 MR. ALTMAN: No, no. No, what I mean, Your  
11 Honor, is the failure to identify the previous cases,  
12 I had to --

13 THE COURT: Right.

14 MR. ALTMAN: -- acknowledge that that was  
15 an issue because I was pro hac-ed into the case  
16 subsequent to that. So I was not -- I was never  
17 supposed to be --

18 THE COURT: So who was -- who was the --  
19 oh, you mean the initial case?

20 MR. ALTMAN: No, no, I'm not talking the  
21 initial case. What I'm talking about is Your  
22 Honor -- part of the -- Your Honor has raised the  
23 issue about --

24 THE COURT: Yes.

25 MR. ALTMAN: -- the case-tracking

1 situation. I was never involved in those -- in those  
2 forms being filled out, I never saw them, it was  
3 never anything I was supposed to do.

4 THE COURT: Well, who did that?

5 MR. ALTMAN: That was done by the Lento  
6 Law -- the Lento Law -- and it's the Lento Law Group,  
7 to be precise. That was done by Ms. Feinstein and,  
8 you know, prepared -- documents prepared for her. I  
9 had never seen those documents. I was never part of  
10 the administration. So I -- you know, the  
11 administration of the case. I was pro hac-ed into  
12 the case after that took place. So for me  
13 personally, I had nothing to do with those forms  
14 being filled out incorrectly. I never saw them, I  
15 never reviewed them, I was never part of that. I was  
16 simply pro hac-ed in subsequent to that point.

17 THE COURT: Well, what's --

18 MR. ALTMAN: And --

19 THE COURT: What happened to the Lento  
20 Firm? That's -- Ms. Feinstein, you're identified in  
21 the docket as being the Lento Law Group.

22 MR. ALTMAN: Well, Your Honor, there  
23 were -- there's the Lento Law Firm, which is a  
24 separate entity from the Lento Law Group. That's all  
25 I'm trying to say. They're two separate entities.

1 The Lento Law Group is what's involved in this  
2 matter, not the Lento Law Firm.

3 THE COURT: Well, let's see.

4 (Pause in proceedings.)

5 THE COURT: Now, Judge Goldberg issued an  
6 order, which is docket number 10, requiring a  
7 licensed attorney to enter an appearance. And now,  
8 that had to do with the defendant. Mr. Griffin, is  
9 that -- is that what was going on there?

10 MR. GRIFFIN: Your Honor, that had to do  
11 with the defendant --

12 THE COURT: Oh.

13 MR. GRIFFIN: -- Alex Torres, that --

14 THE COURT: Yes.

15 MR. GRIFFIN: -- was eventually defaulted  
16 in the case.

17 THE COURT: Right. Right, because he's not  
18 an attorney who was representing a corporation.

19 MR. GRIFFIN: But I had received a number  
20 of calls -- and I cannot recall his name -- from an  
21 attorney in Florida saying that he wanted to enter  
22 his appearance and could I support him on a pro hac  
23 vice basis. I did some research on that and we  
24 concluded that because I might potentially  
25 counterclaim on him or something, that would not be

1 appropriate, but I told him I would make all efforts  
2 to find someone to get him in.

3 I called a number of my colleagues. As  
4 Your Honor knows, I've appeared to you before to do  
5 primarily criminal work, and had some names. And  
6 their position was sure, just compensate our time to  
7 appropriately get him in pro hac vice, and that  
8 attorney did not want to spend any money to do that.  
9 And I said look, I can't -- I can't be of any further  
10 help than I've already been.

11 THE COURT: Yes.

12 MR. GRIFFIN: So Mr. Torres has remained  
13 unrepresented with a default judgment --

14 THE COURT: Well, not a judgment, just a  
15 default.

16 MR. GRIFFIN: Default.

17 THE COURT: Yes.

18 MR. GRIFFIN: -- with a default against  
19 him.

20 THE COURT: Okay.

21 MR. ALTMAN: Which we were -- which we were  
22 forced to do, Your Honor, and, clearly, we would  
23 vacate to give Mr. Torres an opportunity to -- Alex  
24 Torres Productions, to get representations. I  
25 believe the Court just --

1           THE COURT: Well, now, let me ask again --  
2 let me ask -- let me ask Ms. Feinstein and let her  
3 speak for herself, you are on the docket as being  
4 associated or in some fashion connected with the  
5 Lento Law Group, P.C., is that accurate?

6           MS. FEINSTEIN: Yes.

7           THE COURT: Okay. That's at 1500 Market  
8 Street?

9           MS. FEINSTEIN: I think --

10          THE COURT: You said Walnut Street before.

11          MS. FEINSTEIN: I thought it was Walnut  
12 Street.

13          MR. ALTMAN: It is Walnut Street.

14          THE COURT: Okay.

15          MS. FEINSTEIN: It's Walnut Street, Your  
16 Honor.

17          THE COURT: It's 12<sup>th</sup> Floor, East Tower, so  
18 it sounds like Market Street.

19          MS. FEINSTEIN: I think it moved to 1500  
20 Walnut Street, Suite 500.

21          THE COURT: Well, there is a 1500 Walnut,  
22 but it doesn't have an east tower.

23          MS. FEINSTEIN: Okay.

24          THE COURT: And it's -- so --

25          MR. ALTMAN: Your Honor, I think they may



1 have moved in the lapse of time between those 18  
2 months.

3 THE COURT: Okay.

4 MR. ALTMAN: The firm currently is at --

5 THE COURT: So they moved to 1500 Walnut  
6 Street?

7 MR. ALTMAN: Correct. We were there today,  
8 so I can tell you with 100 percent assurance. I sat  
9 in that office today.

10 THE COURT: Okay.

11 MR. ALTMAN: And Ms. Feinstein is -- you  
12 know, who is the counsel of record, is also --

13 THE COURT: So --

14 MR. ALTMAN: -- located in Pennsylvania.

15 THE COURT: -- tell me about your  
16 association with this -- with this case. What -- how  
17 did that come about?

18 MS. FEINSTEIN: As I said, I consult -- I'm  
19 co-counsel on just a few cases with --

20 THE COURT: Yes.

21 MS. FEINSTEIN: -- the Lento Law Firm, and  
22 Mr. Lento had told me about the case. I am a  
23 psychologist interested in disability, and he --

24 THE COURT: Yes.

25 MS. FEINSTEIN: -- told me about the case

1 and asked if I would be involved in the case. I  
2 would have a minimal role, and they would bring in  
3 another attorney at some point.

4 THE COURT: They would what?

5 MS. FEINSTEIN: Bring in another attorney.

6 THE COURT: Okay. Okay, but you signed the  
7 pleading in the original complaint.

8 MS. FEINSTEIN: I did.

9 THE COURT: Now, had you -- had you met Mr.  
10 Rosario?

11 MS. FEINSTEIN: I had not.

12 THE COURT: Okay. Well, what do you think  
13 of that? Do you think that's appropriate?

14 MS. FEINSTEIN: I relied on the firm's  
15 judgment. At that time, Your Honor -- I'm a breast  
16 cancer patient and it was during Covid, and --

17 THE COURT: Yes.

18 MS. FEINSTEIN: -- I was restricted from  
19 meeting people in person.

20 THE COURT: Yes.

21 MS. FEINSTEIN: So there was a lot going on  
22 during that time.

23 THE COURT: But you wouldn't do it again?

24 MS. FEINSTEIN: I would never do it again,  
25 Your Honor.

1 THE COURT: Yes. Okay.

2 MS. FEINSTEIN: I'd go by the advice of my  
3 oncologist and make that right from the beginning and  
4 would never do that again.

5 MR. ALTMAN: Your Honor, if I -- if I might  
6 add, the firm itself though had met with Mr. Rosario  
7 and had numerous discussions with Mr. Rosario. So it  
8 is -- while Ms. Feinstein may not have personally met  
9 with him, the firm had met with him on multiple  
10 occasions, multiple discussions, but the complaint  
11 was drafted based upon conversations with Mr.  
12 Rosario.

13 THE COURT: Well, that may be so, but it's  
14 not on the docket, and it's her signature which  
15 certifies the compliance with Rule 11 and the  
16 compliance with the rules. So it's pretty relevant  
17 that somebody else had met with him. The question is  
18 you put her signature and her license behind this  
19 complaint and she has to stand behind it.

20 MR. ALTMAN: Your Honor, I think that she  
21 could -- it seems to me that she could reasonably  
22 rely upon --

23 THE COURT: Well, why don't you let her  
24 speak for herself? She's --

25 MR. ALTMAN: Okay.

1 THE COURT: She's a lawyer.

2 MR. ALTMAN: I'm sorry, Your Honor.

3 THE COURT: Okay? Now, you yourself are  
4 identified here as being in the Lento Law Group, but  
5 you claim you're not?

6 MS. FEINSTEIN: I'm no longer there.

7 THE COURT: Okay.

8 MS. FEINSTEIN: At that time, Your Honor --

9 THE COURT: Yes.

10 MS. FEINSTEIN: -- I was thinking about  
11 more of an association with them, but due to my  
12 health issues --

13 THE COURT: Sure.

14 MS. FEINSTEIN: -- it's not appropriate,  
15 and I would --

16 THE COURT: Okay.

17 MS. FEINSTEIN: -- never do --

18 THE COURT: So you're going to -- are you  
19 going to withdraw from this case or are you going to  
20 continue?

21 MS. FEINSTEIN: I was going to ask them  
22 to -- after speaking with my physicians, to ask them  
23 to find substitute counsel.

24 THE COURT: And you would like to withdraw  
25 here?

1 MS. FEINSTEIN: I would, Your Honor.

2 THE COURT: Okay. Certainly if your health  
3 doesn't allow you to fully commit, I think that would  
4 be a -- that would be a good thing to do.

5 MS. FEINSTEIN: Honestly, Your Honor, Dr.  
6 Fox, my hematologist/oncologist, did not want me to  
7 come today, but I know -- I wanted to --

8 THE COURT: Yes.

9 MS. FEINSTEIN: -- come. I didn't want to  
10 disappoint the Court.

11 THE COURT: I appreciate that.

12 MS. FEINSTEIN: You're welcome.

13 THE COURT: Okay. Well -- now, is -- so  
14 maybe it's the Lento Law Group that has answers to  
15 these questions.

16 MR. ALTMAN: Your Honor, I have -- I have  
17 spoken to all people that I could to try to  
18 understand where the failure took place, and I was  
19 unable to identify -- I am not questioning that the  
20 firm knew -- the firm itself, somebody knew the case  
21 was being refiled, but somehow that message did not  
22 get to the people who actually executed it months  
23 later.

24 THE COURT: Yes.

25 MR. ALTMAN: I don't have an explanation to

1    how it happened, why it happened, and who was  
2    responsible.  It was certainly not an attempt to  
3    evade Your Honor's jurisdiction by having this case  
4    come back before Your Honor.

5               THE COURT:  Yes.

6               MR. ALTMAN:  That I can tell you because,  
7    once again, had they wanted to do that, there were  
8    many other ways of doing that.

9               THE COURT:  Well, I mean it's like getting  
10   caught robbing a bank.  You could say there would  
11   have been other ways that I could have robbed this  
12   bank and look how stupid I was by doing it this way.

13              MR. ALTMAN:  I under --

14              THE COURT:  So --

15              MR. ALTMAN:  I understand, Your Honor.

16              THE COURT:  Also, you have to understand  
17   that because you have a staff and you have people  
18   that support you, you are responsible for their  
19   conduct.  You can't evade responsibility by saying  
20   yes, I asked them to do that.  The captain of the  
21   ship is responsible for what happens there, and  
22   you're responsible for all these matters.  Either you  
23   straighten out the office or do something about it,  
24   but you can't just shift the blame to other people  
25   and say well, gee, I didn't know that -- I told them

1    what to do, they didn't do it the right way.  You  
2    know, this is a -- you know, there's a real problem  
3    here and it is really a bunch of excuses that I hear  
4    now.  And the real question is what would be a fair  
5    and appropriate way of disposing of this matter?  I  
6    think there is no question at all that serious  
7    violations of both our local rules and perhaps the  
8    Rules of Professional Conduct were implicated in this  
9    case.  I don't think there's any question about that.  
10   What should be a fair disposition and ensure that Mr.  
11   Rosario is protected?  I don't see him involved in  
12   any of this.  This all seems to be lawyer stuff.  So  
13   he should be protected.  But I'm pretty troubled that  
14   no one seems to stand up here and, you know, take  
15   responsibility and take charge.  Maybe this Lento  
16   Firm may be the one.  I don't know.

17               MR. ALTMAN:  Your Honor --

18               THE COURT:  Who is going to be -- who is  
19   going to be counsel of record?

20               MR. ALTMAN:  Okay.  Your Honor, to address  
21   your concerns, the Lento Law Group will find somebody  
22   to substitute in Ms. Feinstein -- for Ms. Feinstein.

23               THE COURT:  Yes.

24               MR. ALTMAN:  That will take care of that  
25   issue.  I have still been the primary counsel, and

1 brother counsel and I have had a good rapport and a  
2 good working relationship, and, frankly, this matter  
3 probably can be -- can be resolved. We were in the  
4 middle of -- we were in the middle of a mediation  
5 when this all came to light.

6 THE COURT: Yes.

7 MR. ALTMAN: And I think the -- you know,  
8 the posture to this point could be done.

9 In terms of responsibility, Your Honor,  
10 it's not that somebody is passing the buck. It's  
11 just that I don't have an -- clearly, the firm is  
12 responsible for not communicating to the people that  
13 had to execute.

14 THE COURT: You mean your firm?

15 MR. ALTMAN: Not my firm. I didn't have  
16 anything to do with that.

17 THE COURT: Okay. So it's the Lento Firm?

18 MR. ALTMAN: It's the -- it's the Lento  
19 Firm. I was not involved. I had no knowledge about  
20 Your Honor's order. I had no knowledge --

21 THE COURT: Okay.

22 MR. ALTMAN: I did not see the form. I had  
23 nothing to do with the form. I was pro hac-ed in  
24 afterwards, so I'm not part of that. But I'm here to  
25 speak -- but I'm here to speak for the firm. The



1 question is, Your Honor -- it's not whether there's  
2 responsibility here, because there is. The question  
3 is what has the Lento Firm done to try to fix the  
4 problem? You know, it's not so much from the bottom  
5 up. There appears to be a violation here; therefore,  
6 there must be punishment. It's the question of there  
7 appears to be something went wrong here. What went  
8 wrong, how do we fix it, and what can we do to keep  
9 it from happening the next time?

10 THE COURT: Yes.

11 MR. ALTMAN: Now, clearly, the change of  
12 personnel, that creates trouble for any firm. It's  
13 not an excuse, but it is a reality.

14 THE COURT: Yes.

15 MR. ALTMAN: Okay? And all the firm can do  
16 is put the best personnel in there, to train the best  
17 personnel, to bring them up, to have reasonable --  
18 you know, to try to take reasonable steps to see that  
19 mistakes don't happen. Can't always succeed, but  
20 that's the goal. And I can tell you that the Lento  
21 Firm has improved its policies and procedures to try  
22 to keep this kind of thing from happening going --

23 THE COURT: Well, let me ask you this. Are  
24 you here speaking for the Lento Firm or are you here  
25 speaking for yourself?

1 MR. ALTMAN: I'm speaking for both.

2 THE COURT: Okay.

3 MR. ALTMAN: Mr. Lento asked me to --  
4 because I -- you know, Mr. Lento asked me to  
5 investigate --

6 THE COURT: Okay.

7 MR. ALTMAN: -- what had happened and to  
8 try to -- to try to be able to explain to the Court  
9 what had happened here.

10 THE COURT: Yes.

11 MR. ALTMAN: And I've told you everything  
12 that I know --

13 THE COURT: Okay.

14 MR. ALTMAN: -- after a rather exhaustive,  
15 you know -- rather exhaustive inquiry into what  
16 happened here. From my perspective, at least with --  
17 from my perspective, you know, I don't think I have  
18 any liability here because I wasn't part of the --  
19 you know, what has caused the Court the problem. I  
20 was never supposed to be part of the administration,  
21 I was to be pro hac-ed in afterwards which happened,  
22 I had no knowledge -- until Your Honor pointed out at  
23 that hearing the second form, which was the tracking  
24 form, I had no knowledge that that form had ever even  
25 existed.

1 THE COURT: Yes.

2 MR. ALTMAN: That was the first time I saw  
3 it, and as soon as Your Honor pointed it out, I  
4 realized this is a problem. And I recognized that,  
5 and immediately I went to try to figure out what had  
6 happened.

7 THE COURT: Yes.

8 MR. ALTMAN: And I spoke to everybody I  
9 could speak to about what had happened. So I --  
10 there's not excuses here, Your Honor. I'm trying to  
11 explain in kind of a somewhat clinical scientific  
12 manner what might have happened here and how there  
13 was a failure. In terms of how Your Honor should  
14 deal with it, I'm not saying that there shouldn't be  
15 some accountability, but there's a difference between  
16 accountability and improvement and punishment.

17 THE COURT: Yes.

18 MR. ALTMAN: I think that there is no  
19 evidence that what took place here was an attempt to  
20 evade Your Honor's jurisdiction. We could have -- I  
21 just -- there is no evidence of that. I mean you  
22 could say yes, it's a possibility, but it just  
23 wasn't. I wasn't concerned -- had I known about your  
24 order in terms of putting information in the  
25 complaint about the promoter liability, we would have

1 done it. I believe that in a good faith -- there was  
2 a good faith basis for bringing that.

3 THE COURT: Yes.

4 MR. ALTMAN: I can't speak for what Mr.  
5 Feinstein said when he didn't -- you know, when he  
6 was originally involved in the case, but I can tell  
7 you, you know, I reviewed the complaint, I believe in  
8 good faith that Mr. -- you know, that Torres  
9 Productions can have liability here. I stand -- I  
10 stand behind that. We've provided that in our  
11 response. So --

12 THE COURT: You told me -- I think you  
13 might have already answered this question, but you  
14 met with Mr. Rosario --

15 MR. ALTMAN: I did not meet --

16 THE COURT: -- before you came into the  
17 case?

18 MR. ALTMAN: I did not meet with him, but I  
19 spoke with him and I had seen his interview notes. I  
20 know the firm met with him long before I ever got  
21 involved, before the complaint was drafted. At some  
22 point, I know I saw his interview notes, okay? I was  
23 familiar with what happened based on -- based on that  
24 note-taking, the complaint.

25 THE COURT: Now, has Mr. Rosario authorized

1 your firm to represent him?

2 MR. ALTMAN: Yes.

3 THE COURT: Okay.

4 MR. ALTMAN: And I specifically -- you  
5 know, specifically spoke with Mr. Rosario. I  
6 didn't -- and he is -- you know, I've specifically  
7 spoken with Mr. Rosario about his case.

8 THE COURT: You mean on the telephone?

9 MR. ALTMAN: Yes.

10 THE COURT: Okay.

11 MR. ALTMAN: I physically am in Michigan,  
12 Your Honor.

13 THE COURT: Yes.

14 MR. ALTMAN: Mr. Rosario is disabled,  
15 obviously, and he is in New Jersey.

16 THE COURT: Now, Mr. Griffin, we -- Mr.  
17 Altman referred to some mediation that was going on?

18 MR. GRIFFIN: Through Judge Strawbridge.

19 THE COURT: Oh, okay.

20 MR. GRIFFIN: Yes.

21 THE COURT: For the -- okay.

22 MR. GRIFFIN: There was mediation that was  
23 going on. There were conversations between Judge  
24 Strawbridge and just myself, Judge Strawbridge and  
25 just Mr. Altman by himself, and there seemed to be an

1 active discussion, but then this issue was discovered  
2 by --

3 THE COURT: But Mr. --

4 MR. GRIFFIN: -- Judge Strawbridge.

5 THE COURT: -- Torres, what about him? Was  
6 he involved in this?

7 MR. GRIFFIN: I can't say that. I would  
8 tend to think that there were no conversations  
9 between Judge Strawbridge and Mr. Torres because  
10 there had always been, to my understanding, an  
11 existing order in place that he had to have counsel  
12 because --

13 THE COURT: Yes.

14 MR. GRIFFIN: -- I believe, in part, he was  
15 part of an incorporation.

16 THE COURT: Sure, yes.

17 MR. GRIFFIN: So I do not believe that  
18 there were any conversations that ever occurred  
19 between Judge Strawbridge and --

20 THE COURT: Yes.

21 MR. GRIFFIN: -- Mr. Torres directly. I  
22 don't know that.

23 THE COURT: Because it would --

24 MR. GRIFFIN: I would guess that.

25 THE COURT: It would appear to me that if

1     there were to be a settlement in this case, whoever  
2     the lawyer is, it would have to involve Mr. Torres  
3     because Mr. Torres would have a cross-claim against  
4     the restaurant if he's found liable for the  
5     violation. So --

6             MR. GRIFFIN: I would -- I would think  
7     you're correct.

8             THE COURT: Yes.

9             MR. GRIFFIN: And the fact that he is  
10    currently in a default position, so he's -- you know,  
11    he's behind the eight ball --

12            THE COURT: Yes.

13            MR. GRIFFIN: -- so to speak, already.

14            THE COURT: Okay. Okay. Well, let's think  
15    about this. Is there anything else, Mr. Altman, that  
16    you would like to add to the record today?

17            MR. ALTMAN: Your Honor, I'd just ask that  
18    in deciding what to do here, you focus on the -- that  
19    the parties that are involved here acted in good  
20    faith, even if erroneously, that I believe the proper  
21    accountability here is to remedial in nature in terms  
22    of making sure the procedures and policies do the  
23    right job in terms of preventing this kind of  
24    situation from happening again, and that the Court  
25    focus on that is -- would serve better justice

1 overall not just for -- not just for Mr. Rosario and  
2 the defendants, but that it would -- it would further  
3 justice for, you know, other clients who will be the  
4 beneficiary of better policies and procedures, and  
5 that the Court -- you know, the Court consider that  
6 as being the appropriate what to do here and believe  
7 the parties involved that this was not -- certainly  
8 this was not -- there was no intent here to deceive  
9 the Court, to deceive anyone, even though that there  
10 are mistakes that have been made here.

11 THE COURT: Yes. And as I understand it,  
12 these occurred after -- these had occurred before you  
13 came into the case, and, therefore, that was the  
14 Lento Firm's dealing?

15 MR. ALTMAN: That is -- that is -- you  
16 know, that is true as a (indiscernible) perspective.  
17 I had no knowledge.

18 THE COURT: Except for the October 25<sup>th</sup>  
19 matter, which, of course, that was your issue?

20 MR. ALTMAN: Correct, Your Honor.

21 THE COURT: Yes.

22 MR. ALTMAN: And I apologize and --

23 THE COURT: Yes.

24 MR. ALTMAN: -- I am sorry. You know, my  
25 medical condition -- you know, that -- frankly, when



1 my eyesight in my one remaining eye crashed and --

2 THE COURT: But that -- I thought that  
3 was --

4 MR. ALTMAN: I'm not -- I'm not trying to  
5 make excuses.

6 THE COURT: That was technical. That -- in  
7 other words, the response was there, you just  
8 couldn't get it here?

9 MR. ALTMAN: I couldn't -- Your Honor, I  
10 struggled just to be able to see the screen to try to  
11 file the response.

12 THE COURT: Okay.

13 MR. ALTMAN: It was an incredible struggle.

14 THE COURT: So --

15 MR. GRIFFIN: Judge, if I could just add  
16 one thing? The fact that Mr. Vance checked and there  
17 was nothing in your system, I can represent I  
18 received it. I don't have it in front of me, but  
19 there was an email that was sent, I was copied on.  
20 It was to your chambers. It's possible that the  
21 email for your chambers was incorrect. I did not  
22 check it. But I can represent that I did receive a  
23 copy of it in an email that went out directed to Your  
24 Honor. So the fact that it's not anywhere in your  
25 email system, maybe it was an incorrect address for

1     you. But I can represent that I did receive it on  
2     the day in question --

3             THE COURT: Yes.

4             MR. GRIFFIN: -- in an email that  
5     essentially explained, Your Honor, Keith Altman here,  
6     I tried to file it, I'm having trouble, I wanted to  
7     make sure you had a copy. So in all fairness, that  
8     is making that part of their whole.

9             THE COURT: Okay.

10            MR. GRIFFIN: So maybe it never got to you  
11     because the email address that he sent it to was  
12     incorrect. I don't know that. I can only say I got  
13     it and I got it on the day in question.

14            THE COURT: Yes.

15            MR. ALTMAN: Your Honor, literally, I was  
16     limited to trying to use this to type, so --

17            THE COURT: Well, okay.

18            MR. ALTMAN: -- it's entirely possible I  
19     mistyped Your Honor's email address.

20            THE COURT: Okay. Very well. We'll take  
21     the matter under advisement and we'll get back to  
22     you. Thank you.

23            MR. ALTMAN: Thank you, Your Honor.

24            MS. FEINSTEIN: Thank you, Your Honor.

25            MR. GRIFFIN: Thank you, Your Honor.

1 THE COURT: All right.

2 MR. ALTMAN: Just to be clear, I'll get you  
3 Monday the -- kind of the log of our efforts?

4 THE COURT: Please do so.

5 MR. ALTMAN: Okay. And I'll have my team  
6 send the document to chambers immediately, is that  
7 okay?

8 THE COURT: That would be fine.

9 MR. ALTMAN: Thank you, Your Honor.

10 MS. FEINSTEIN: Thank you, Your Honor.

11 (Proceedings adjourned, 2:50 p.m.)

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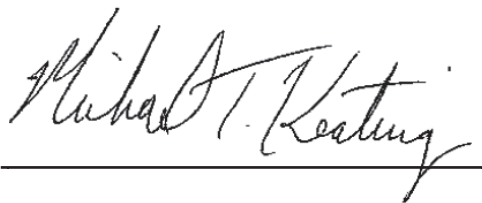
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CERTIFICATION

I, Michael Keating, do hereby certify that  
the foregoing is a true and correct transcript from the  
electronic sound recordings of the proceedings in the  
above-captioned matter.

11/15/21

Date

A handwritten signature in black ink, reading "Michael T. Keating". The signature is written in a cursive style with a horizontal line underneath it.

Michael Keating